

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

November 16, 2010
239 Causeway Street, Room 206
Boston, Massachusetts

**Board Members
Present**

Joanne Trifone, R.Ph.; Stanley Walczyk, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D.; James T. DeVita, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Kathy Fabiszewski, Ph.D. N.P.; Donald Accetta, M.D., M.P.H.; Karen Ryle, R.Ph., M.S.; Steven Budish
George Cayer, R.Ph.

**Board Members
Absent**

Staff Present

James D. Coffey, R.Ph.; Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator; Intern Kevin Ng, Northeastern University

1. 8:30 a.m. **CALL TO ORDER**
 President Joanne M. Trifone, R.Ph.

2. 8:35 a.m. **REVIEW/ADOPTION OF DECEMBER 8, 2009 BOARD MINUTES**

 Motion Trifone/Walczyk to approve minutes.
 Approved

3. 8:40 a.m. **LICENSING: Pharmacy/Wholesale Distributor Applications**
 (no handout/applications on file) – Assoc. Dir. Margaret Cittadino

- New - Community Pharmacy (1)
 CVS Pharmacy 1157, 1242 Parker Street, Springfield
- Change of Manager (18)
 Careplus Pharmacy 08400, 35 Millbury Street Auburn (DS3219)
 Careplus Pharmacy 08402, 360 Lunenburg Street, Fitchburg (DS3221)
 CVS 130, 23-25 Massachusetts Avenue, Arlington (DS2535)
 CVS 1848, 264 Trapelo Road, Belmont (DS3374)
 CVS 1002, 624 Massachusetts Avenue. Cambridge (DS3060)
 CVS 1009, 509 Main Street, Charlestown (DS1529)
 CVS 1862, 1195 Boylston Street, Chestnut Hill (DS2712)
 CVS 1265, 210 Border Street, East Boston (DS1865)
 CVS 2025, 118 Northampton Street, Easthampton (DS2685)
 CVS 0023, 241 Lincoln Avenue, Haverhill (DS23965)
 CVS 769, 4217 North Main Street, E. Longmeadow (DS2948)
 CVS 1221, 50 Medway Road, Milford, (DS2988)
 CVS 119, 376 Main Street, Wakefield (DS16934)
 New England Life Care, 4 Constitution Way, Woburn (DS3513)
 Pharmacy Corporation of America, 1123 Pearl Street, Brockton (DS3599)
 Wal-Mart Pharmacy 10-2118, 301 Massachusetts Avenue, Lunenburg (DS2750)

Wal-Mart Pharmacy 10-2118, 1180 Fall River Avenue, Lunenburg (DS2755)

Wal-Mart Pharmacy 10-2222, 333 Main Street, Tewksbury (DS2740)

- Renovation/Expansion -Community Pharmacy (3)

Wal-Mart 10-1970, 280 Washington Street, Hudson (DS2237)

Hannaford Supermarket and Pharmacy 8011, 5 Gilbert Street, Brookfield (DS3417)

CVS 838, 427 East Main Street, Westfield (DS2786)

- Relocation – Community Pharmacy (3)

Ameridose LLC, 201 Flanders Road, Westborough FROM 50 Fountain Street, Framingham (DS3467)

CVS 632, 4 Broadway Road, Dracut FROM 1140 Bridge Street, Lowell (DS24183)

Walgreens Pharmacy 13081, 399 Washington Street, Newton FROM 416 Watertown Street, Newton (DS89705)

- Closing – Community Pharmacy (2)

Stop & Shop Pharmacy 068, (DS2658) 97 Main Street, North Reading - prescription files and inventory to Walgreens 11499 (DS3616) 158 Main Street, Reading on 11/4/2010

Louis & Clark 165, (DS1151) 1481 Memorial Drive, Chicopee– transferring all controlled and non-controlled inventory and prescriptions file to Walgreens 7063 (DS3238) on 11/18/2010.

Motion Walczyk/Budish to approve applications

Recused Pasedis/Ameridose, Trifone/Walgreens, Tocco and DeVita/ CVS

Approved

1. 8:45 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Introduction of MCPHS Board Intern (APPE) Kevin Ng
- Expedited partner therapy (EPT): M. G. L. Chapter 111, §121B
- Board Dispositions

5. 9:00 a.m. NOMINATIONS - Board Officers: President Elect / Secretary

Motion Steve Budish/Sophia Pasedis to nominate Michael Tocco for President-Elect

Motion Stanley Walczyk/Joanne Trifone nominate Karen Ryle for Secretary
Elections will be held at the December Meeting.

6. 9:05 a.m. DISCUSSION RE NABP/AACP District I & II Annual Meeting, Cooperstown, NY
Pres. Joanne Trifone provided a summary of the annual meeting

7. 9:20 a.m. LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL

9:20 a.m. **Motion** DeVita/Ryle to enter into closed session. **Approved**

9:30 a.m. **Motion** Walczyk/DeVita to end closed session. **Approved**

Pending Legal Matters - Susan Manning, Board Counsel

MGL c. 112, s. 65C and MGL c. 30A, s. 11A- Review and Discussion
of Complaints and Other Matters: Closed Session

Deborah S. Forand-Tolson, R.Ph. PH21697 – Docket. PHA-2010-0151

Motion DeVita/Trifone for Consent Agreement with terms: Probation (minimum one year); may not act as a pharmacist manager of record or Director of Pharmacy in any pharmacy setting; copy of this Agreement to each employer, during the initial twelve months of the Probation Period, Board-approved monitoring and practice terms.

Approved

Eric A. Gottung, PT12476- Docket PHA-2010-0132 - update provided

Peter A. Grudjich - Pharmacist Reciprocal Licensure

Motion DeVita/Walczyk to refer applicant for an MPRS Evaluation

Approved

8. 9:30 a.m. **PUBLIC HEARING**

Proposed revisions to Board regulation 247 CMR 5.04 **Reporting Requirements to the Prescription Monitoring Program** to conform with amendments to MGL c. 94C (new Section 24A) and implement revised PMP regulations (105 CMR 700.000 and 105 CMR 701.000) approved by the Public Health Council on August 11, 2010 and published in the Massachusetts Register on September 3, 2010. Board regulations were amended by emergency promulgation on September 3, 2010. The revisions require pharmacies licensed by the Board to comply with the DPH Drug Control Program PMP reporting requirements of 105 CMR 700.012 and customer ID requirements of 105 CMR 701.004 as of January 1, 2011. Grant Carrow and Joseph Sceppa, DPH Drug Control Program, were present.

Motion Pasedis/Tocco to approve proposed revisions

Approved

9. 10:30 a.m. **INVESTIGATIVE CONFERENCE**

Complaint No. SA INV1410

Irene M. Rigas, R.Ph. (License No. 23188/ Exp.12/31/2010)

Complaint alleges that Registrant refused to fill prescriptions while employed at Walgreens Pharmacy #1849, 972 American Legion Highway, Roslindale, MA.

Motion DeVita/Tocco to Dismiss with Advisory Letter regarding the communication between Registrant and prescriber's representative which may have contributed to a delay in therapy.

Recused Trifone (not present in meeting during discussion or vote)

Approved

Opposed Ryle/Fabiszewski

10. 11:00 a.m. **NEW COMMUNITY PHARMACY APPLICATION/Appearance**

VIETAZ INC, DBA CARING PHARMACY – Proposed: 377 Belmont Avenue, Springfield, MA 01108

Present: Proposed Manager Thai Phan, R.Ph, D.C. (PH232878), Pres. Christine Phan, R.Ph, (PH27097 and V.P. Tuan Dang, R.Ph, (PH27097)

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Motion DeVita/Tocco to approved application pending compliant inspection.
Approved

11. 11:30 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)
File Review - Samuel J. Penta, R.Ph., Supervising Investigator;
 James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
 Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A.
 McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-2010-0202 Michael R. Cody PT8192	Motion Walczyk/Pasedis to accept the Voluntary Surrender Recused Ryle Approved
2.	PHA-2010-0189 Techeria Ann Walton PT12787	Motion Walczyk/Pasedis to accept the Voluntary Surrender Recused DeVita/Tocco not present in meeting during discussion or vote Approved
3	PHA-2010-0190 Traci A. Napolitano PT9103	Motion Walczyk/Pasedis to accept the Voluntary Surrender Recused DeVita/Tocco not present in meeting during discussion or vote Approved
4	PHA-2010-0187 LeGrand Halbert Norvin II PH23468	Motion Tocco/Pasedis to Dismiss with Advisory Letter with conditions related to Continuing Education (CE) deficiencies. Approved
5	PHA-2010-0041 Apothecare of South Shore DS3089 PHA-2010-0098 Julie Heath Garvey PT3913 (Expired 2005) PHA-2010-0106 Paul Masi PH16596 PHA-2010-0126 Frederick H. Connolly, Jr. PH14220 PHA20100211 James D. Garvey, Jr. PH14601	Motion Pasedis/Tocco to Dismiss for Insufficient Evidence. Approved Motion Trifone/Pasedis for Reprimand Approved Motion Trifone/Tocco to Dismiss with Advisory Letter with 3 CEs in Medication Error Prevention. Approved Motion Trifone/Tocco to Dismiss with Advisory letter with with conditions related to CE deficiencies. Approved Motion Trifone/Tocco to Dismiss with Advisory Letter with 2 CEs in Pharmacy law. Approved
12:10 Accetta and Fabiszewski exit meeting .		
6	PHA-2010-0104 North Shore Pharmacy DS3458	Motion Trifone/Walczyk to Dismiss with Advisory Letter and strong recommendation to develop and implement procedures requiring appropriate Pharmacy personnel to

		<p>obtain the original of the practitioner's authorized prescription/order (Interim Physician's Order Sheet), rather than referring only to the admission order transcribed by facility personnel, for use and reference by pharmacists and other involved Pharmacy personnel for purposes of prescription/order processing, verification and fulfillment.</p> <p>Recused Tocco (not present in room for discussion or vote)</p> <p>Approved</p>
	<p>PHA-2010-0176 Russeth Chhim PH27679</p>	<p>Motion Trifone/DeVita to Dismiss with Advisory letter for CE deficiencies</p> <p>Recused Tocco (not present in room for discussion or vote)</p> <p>Approved</p>
	<p>PHA-2010-0163 Linda M. Bahn PH24912</p>	<p>Motion Pasedis/Trifone to Dismiss with Advisory letter with 2 CEs in Geriatric Dosing.</p> <p>Recused Tocco (not present in room for discussion or vote)</p> <p>Approved</p>

12. 12:30 p.m. LUNCH

13. 1:30 p.m. PHARMACIST APPLICATION/Appearance – **Nkem N. Iffih, R.Ph.**
Reciprocal license (ME) applicant Nkem N. Iffih, R.Ph. appeared before Board, accompanied by Atty. Jeffrey A. Denner, responded to questions from the Board regarding his Maine license discipline and work history. Atty. Denner also spoke to the Board regarding his client.

Motion DeVita/Trifone to take matter under advisement.

14. 2:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

HARBOR HEALTH SERVICES INC, DBA GEIGER GIBSON COMMUNITY HEALTH CENTER – Proposed: 250 Mount Vernon Street, Dorchester, MA 02125. Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Present: Proposed MOR Vincent Christiano (PH16815) and Ex. Dir. Lou Brady

Motion DeVita/Trifone to approve application pending compliant inspection.

15. 2:30 p.m. DISCUSSION

- Subcommittee for 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts: Margaret Cittadino, Sophia Pasedis, Joanne Trifone, Karen Ryle and Stanley Walczyk

16. FLEX DISCUSSION

NEW BUSINESS

- 1) **Rene E. St. Laurent** – Application for Reciprocal Pharmacist
Tabled until December 8, 2010 meeting.

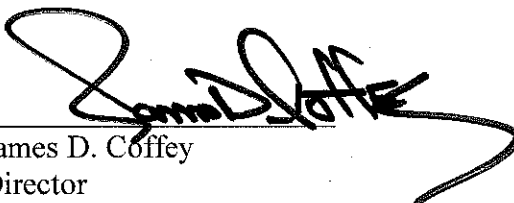
- 2) **Germon E. Hill** – Application for Reciprocal Pharmacist
Motion Walczyk/DeVita to approve application
Approved
- 3) **Gary A. Lupini** – Application for Reciprocal Pharmacist (Walgreens)
Motion Walczyk/DeVita to approve application
Recused Trifone/Walgreens
Approved
- 4) **Mayra Ventura** – Application for Pharmacy Technician
Withdrawn by Board until December 8, 2010 Meeting
- 5) **Brian James Gavin** – Application for Pharmacy Technician
Motion DeVita/Trifone to approve application
Approved
- 6) **Deborah Tolland, R.Ph. (PH22932)** - Docket No. PHA20090084
Petition for termination of Suspension/conversion to Probationary status
Motion DeVita/Trifone to approve
Approved
- 7) **Jerrica E. Shuster** – Application for Pharmacist
Motion Walczyk/DeVita to approve application
Approved

17. INFORMATIONAL ITEMS (FYI)

3:15 p.m. Motion Walczyk/DeVita to adjourn. Approved.

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: March 8, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES

November 16, 2010
239 Causeway Street, Room 206
Boston, Massachusetts

Pending Legal Matters - MGL c. 112, s. 65C and MGL c. 30A, s. 11A
Review and Discussion of Complaints and Other Matters: Closed Session

9:20 a.m. **Motion** DeVita/Ryle to enter closed session. **Approved**

Matter of Deborah S. Forand-Tolson, R.Ph. PH21697 – Docket. PHA-2010-0151

Board reviewed complaint file and identified proposed consent agreement terms, including minimum one year probation period including terms may not act as a pharmacist manager of record or Director of Pharmacy in any pharmacy setting; required to provide a copy of this Agreement to each employer, during the initial twelve months or longer period as may be required by the Board; Board-approved monitoring, including random drug/alcohol screening; may not fill or dispense (including refills) or have filled or dispensed at any pharmacy setting where employed, any prescription medication written by any prescriber for personal use.

Eric A. Gottung PT12476 - Docket PHA-2010-0132.
Update provided regarding surrender of registration.

Peter A. Grudjich - Pharmacist Reciprocal Licensure Applicant
Board reviewed application and determined evaluation to be provided.

9:30 a.m. **Motion** Walczyk/DeVita to end closed session. **Approved**